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HOUSE BILL 33

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Nathan P. Cote

AN ACT

RELATING TO LAW ENFORCEMENT; PROHIBITING DOMESTIC VIOLENCE  
OFFENDERS FROM BECOMING LAW ENFORCEMENT OFFICERS WITHIN THREE  
YEARS OF A VIOLATION; PROVIDING THAT A LAW ENFORCEMENT OFFICER  
MAY LOSE CERTIFICATION FOR COMMITTING A DOMESTIC VIOLENCE  
OFFENSE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 29-7-6 NMSA 1978 (being Laws 1993,  
Chapter 255, Section 6) is amended to read:

"29-7-6. QUALIFICATIONS FOR CERTIFICATION.--

A. An applicant for certification shall provide  
evidence satisfactory to the board that ~~[he]~~ the applicant:

(1) is a citizen of the United States and has  
reached the age of majority;

(2) holds a high school diploma or the

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1 equivalent;

2 (3) holds a valid driver's license;

3 (4) has not been convicted of or pled guilty  
4 to or entered a plea of nolo contendere to any felony charge  
5 or, within the three-year period immediately preceding [~~his~~]  
6 the application, to any violation of any federal or state law  
7 or local ordinance relating to aggravated assault, theft,  
8 driving while intoxicated, controlled substances, domestic  
9 violence, including violations described in the Crimes Against  
10 Household Members Act, or other crime involving moral turpitude  
11 and has not been released or discharged under dishonorable  
12 conditions from any of the armed forces of the United States;

13 (5) after examination by a licensed physician,  
14 is free of any physical condition that might adversely affect  
15 [~~his~~] the applicant's performance as a police officer or  
16 prohibit [~~him~~] the applicant from successfully completing a  
17 prescribed basic law enforcement training required by the Law  
18 Enforcement Training Act;

19 (6) after examination by a certified  
20 psychologist, is free of any emotional or mental condition that  
21 might adversely affect [~~his~~] performance as a police officer or  
22 prohibit [~~him~~] the applicant from successfully completing a  
23 prescribed basic law enforcement training required by the Law  
24 Enforcement Training Act;

25 (7) is of good moral character;

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1 (8) has met any other requirements for  
2 certification prescribed by the board pursuant to regulations  
3 adopted by the board; and

4 (9) has previously been awarded a certificate  
5 of completion by the director attesting to the applicant's  
6 completion of an approved law enforcement training program.

7 B. A person employed as a police officer by any law  
8 enforcement agency in this state shall forfeit [~~his~~] the  
9 person's position unless, no later than twelve months after  
10 beginning [~~his~~] employment as a police officer, the person  
11 satisfies the qualifications for certification set forth in  
12 Subsection A of this section and is awarded a certificate  
13 attesting to that fact."

14 Section 2. Section 29-7-13 NMSA 1978 (being Laws 1993,  
15 Chapter 255, Section 10) is amended to read:

16 "29-7-13. REFUSAL, SUSPENSION OR REVOCATION OF  
17 CERTIFICATION.--

18 A. After consultation with the employing agency,  
19 the board may refuse to issue or may suspend or revoke a police  
20 officer's certification when the board determines that a person  
21 has:

22 (1) failed to satisfy the qualifications for  
23 certification, set forth in Section 29-7-6 NMSA 1978;

24 (2) committed acts that constitute dishonesty  
25 or fraud;

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(3) been convicted of, pled guilty to or entered a plea of no contest to:  
(a) any felony charge; or  
(b) any violation of federal or state law or a local ordinance relating to aggravated assault, theft, driving while under the influence of intoxicating liquor or drugs, controlled substances, domestic violence, including violations described in the Crimes Against Household Members Act, or any law or ordinance involving moral turpitude; or  
(4) knowingly made any false statement in ~~[his]~~ the application for certification.

B. The board shall develop, adopt and promulgate administrative procedures for suspension or revocation of a police officer's certification that include notice and an opportunity for the affected police officer to be heard, as well as procedures for review of the board's decision."

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2009.